

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

Martha Klopchin on her own behalf and on behalf
of the Estate of Lester Devens, Jr.

Index No.

08 CV 1314

Plaintiff(s) Petitioner(s)

AFFIDAVIT
OF
SERVICE

being sworn

Town of Lumberland John Cuomo and
Victor Czubak

Defendant(s) Respondent(s)

ORANGE COUNTY, NEW YORK STATE:

MICHAEL CRUDELE

says: Deponent is not a party herein, is over 18 years of age and resides at

66 Hickory Drive, Campbell Hall, NY

On 2-14-2008 at 120 P.M., at 1096 Proctor Rd Glen Spey N.Y.

☐ summons, Spanish summons and complaint, the language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

☒ summons and complaint

☐ notice of petition and petition

☐ subpoena ☐ subpoena duces tecum

☐ citation

☒ United States District Court

on Victor Czubak
C/o Town of Lumberland

☒ defendant (hereinafter
☐ respondent called therein named
☐ witness the recipient)

INDIVIDUAL

1. ☐

by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be

SUITABLE
AGE PERSON

3. ☒

by delivering thereat a true copy of each to Virginia Horn Town Clerk thereof a person of suitable age and discretion. Said premises is recipient's ☒ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

AFFIXING TO
DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there:

Deponent talked to

at said premises who stated that recipient ☐ lived ☐ worked there.

MAILING TO
RESIDENCE
USE WITH 3 OR 4

5A. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO
BUSINESS
USE WITH 3 OR 4

5B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney's concerned an action against the recipient.

DESCRIPTION

☐ Male

☒ White Skin

☐ Black Hair

☐ White Hair

☐ 14-20 Yrs.

☐ Under 5'

☐ Under 100 Lbs.

☒ Female

☐ Black Skin

☐ Brown Hair

☐ Balding

☐ 21-35 Yrs.

☐ 5'0"-5'7"

☐ 100-130 Lbs.

☐ Yellow Skin

☒ Blonde Hair

☐ Mustache

☐ 36-50 Yrs.

☒ 5'4"-5'8"

☒ 131-160 Lbs.

☐ Brown Skin

☐ Gray Hair

☐ Beard

☒ 51-65 Yrs.

☐ 5'9"-6'0"

☐ 161-200 Lbs.

☐ Red Skin

☐ Red Hair

☐ Glasses

☐ Over 65 Yrs.

☐ Over 6'

☐ Over 200 Lbs.

Other identifying features:

WITNESS
FEES

5

the authorizing traveling expenses and one days' witness fee:

☐ was paid (tendered) to the recipient

☐ was mailed to the witness with subpoena copy.

MILITARY
SERVICE

☒

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Michael Crudele

United States District Court

SOUTHERN DISTRICT OF NEW YORK

Martha Klopchin on her own behalf and on behalf
of the Estate of Lester Devenis, Jr.

Index No.

08 CV 1313

Plaintiff(s) Petitioner(s)

Town of Lumberland, John Cuomo and
Victor Czubak

Defendant(s) Respondent(s)

AFFIDAVIT
OF
SERVICE

being sworn

ORANGE COUNTY, NEW YORK STATE:

says: Deponent is not a party herein, is over 18 years of age and resides at

On 2-14-2008 at 120 P.M., at 1096

deponent served the within ☐ summons ☐ with notice
☒ summons and complaint
☐ notice of petition and petition
☐ subpoena ☐ subpoena duces tecum

MICHAEL CRUDELE

66 Hickory Drive, Campbell Hall, NY

Proctor Rd Glen Spey NY

☐ summons, Spanish summons and complaint, the language required by NYCRR

2900.2(c), (f) & (h) was set forth on the face of the summons(es)

☐ citation

☒ United States District Court

on Town of Lumberland

☐ defendant (hereinafter

☐ respondent called therein named

☐ witness the recipient)

INDIVIDUAL

1. ☐

by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION

2. ☒

a Municipal corporation, by delivering thereat a true copy of each to Virginia Horn
personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be
Town Clerk thereof

SUITABLE
AGE PERSON

3. ☐

by delivering thereat a true copy of each to
age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

AFFIXING TO
DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place
of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called the

at said premises who stated that recipient ☐ lived ☐ worked there.

MAILING TO
RESIDENCE
USE WITH 3 OR 4

5A. ☐

Deponent talked to
Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's
known residence, at
and deposited said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO
BUSINESS
USE WITH 3 OR 4

5B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient
recipient's actual place of business, at
in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal
and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney
concerned an action against the recipient.

DESCRIPTION

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☐ Red Hair

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☐ Balding

☐ Mustache

☐ Beard

☐ Glasses

☐ 14-20 Yrs.

☐ 21-35 Yrs.

☐ 36-50 Yrs.

☒ 51-65 Yrs.

☐ Over 65 Yrs.

☐ Under 5'

☒ 5'0"-5'3"

☐ 5'4"-5'8"

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☐ Under 100 Lbs

☒ 100-130 Lbs

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☐ 161-200 Lbs

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Other identifying features:

WITNESS
FEES

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Michael Crudele

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

martha Klopchin on her own behalf and on behalf
of the Estate of Lester DeWens, Jr.

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OF
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being sworn

Town of Lumberland, John Cuomo and
Victor Czubak

Defendant(s) Respondent(s)

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Deponent is not a party herein, is over 18 years of age and resides at

66 Hickory Drive, Campbell Hall, NY

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☐ summons, Spanish summons and complaint, the language required by NYCRR

☐ summons and complaint

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AGE PERSON

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☐ Beard

☐ Glasses

☐ 14-20 Yrs.

☐ 21-35 Yrs.

☐ 36-50 Yrs.

☒ 51-65 Yrs.

☐ Over 65 Yrs.

☐ Under 5'

☐ 50"-52"

☒ 54"-58"

☐ 59"-60"

☐ Over 6'

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☐ 100-130 Lbs.

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Michael Crudele